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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,638

04/28/2006

Ryoji Hanada

438675053

5412

24978 7590 10/16/2009

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

10/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,638	Applicant(s) HANADA ET AL.	
	Examiner Geoffrey L. Knable	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 24, 2009 has been entered.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 2420329 to Continental taken in view of [Henley (US 3,475,254) or the admitted prior art].

These references are applied for substantially the same reasons as set forth in the last office action. With respect to the new language in claim 1, the holding members include a continuous portion (e.g. "34") which connects to a pair of radially extending portions such as "35" (e.g. note that elements "35" extend radially in their thickness direction) which are in turn connected to the actual radially inwardly directed holding surfaces of the elements "35". The new language therefore does not define over the DE '329 disclosure.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1,149,722 to Dunlop (newly cited).

GB '722 discloses forming a cylindrical belt/tread (note page 3, lines 113+ indicates that the belt/breaker can be included) and joining with an expanded carcass in

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a state where the center portion of the tread can still swell (e.g. between parts 18 - see fig. 5). Further, the transfer apparatus includes plural holding members with divided radially directed holding surfaces "15" connected by a continuous portion and contacting ends of the belt tread assembly. GB '722 therefore suggests a process as claimed except that it does not specify the width relationship of the holding surfaces relative to the innermost belt. To have a width of the holding elements "35" within the claimed range would however have been obvious given the guidance provided by the fig. 1/3/4 depiction (which would suggest that the holding surfaces have a width toward the lower end of the claimed range), taken with the functional description of the elements "15" as sealing with the tread. In other words, guided by the desire to assure adequate sealing with the tread, and following the general relative size guidance provided by the figures, the ordinary artisan would have been expected to select a seal width sufficiently large that a seal is assured regardless of variations in the tread material, the claimed range being sufficiently broad to read on what would have been obvious following this selection.

5. Claim 8 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over DE 2420329 to Continental or GB 1,149,722 to Dunlop (newly cited).

DE '329 is still considered to suggest a structure consistent with the new language in claim 8 for the same reasons advanced above with respect to the same language added to claim 1.

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As to claim 8, GB '722 discloses a transfer apparatus including plural holding members (segments "14") having divided holding surfaces ("15"), a width of within 5-30% being suggested or obvious for the same reasons advanced in the preceding rejection above. Additionally, it should be noted that insofar as this claim is directed to the transfer apparatus itself, this relative width range is most likely met as a belt width can be defined such that the claimed ratio is met. In other words, as this claimed width range is relative to a element that is not part of the apparatus, and since the transfer apparatus would be capable of holding a tread with almost any width belt, this width requirement would not distinguish almost any chosen seal width.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Henley et al. (US 4,239,565 - see figs. 13/17) is another example of a transfer ring with spaced holding elements but is at present no more relevant than the applied prior art.

7. Applicant's arguments filed 7/24/2009 have been fully considered but they are not persuasive.

Applicant's arguments stress the new language added to the claims but for the reasons detailed in the statements of rejection above, this language is not considered to distinguish the DE '329 disclosure. Note also the new grounds of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/
Primary Examiner, Art Unit 1791

G. Knable
October 13, 2009